

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA
Ct. Civ. No. 97-5968-CI-11

JOHN EASTMAN,

Plaintiff,

vs.

BROWN & WILLIAMSON TOBACCO
CORPORATION, Individually and as
successor to THE
AMERICAN TOBACCO COMPANY,
a foreign corporation; and PHILIP MORRIS
USA INC., a foreign corporation.

Defendants.

VERDICT

We, the jury, return the following verdict:

- 1.a. Was there negligence on the part of Philip Morris USA Inc. or Brown & Williamson Tobacco Corporation, individually and as successor to the American Tobacco Company, for not providing adequate warnings to John Eastman prior to July 1, 1969, which was a legal cause of loss, injury or damage to John Eastman?

Yes _____

No _____

- 1.b. Was there negligence on the part of Philip Morris USA Inc. or Brown & Williamson Tobacco Corporation, individually and as successor to the American Tobacco Company, for failing to exercise reasonable care in the design of its products, which was a legal cause of loss, injury or damage to John Eastman?

Yes _____

No _____

2.a. Were the cigarettes manufactured by Philip Morris USA Inc. or Brown & Williamson Tobacco Corporation, individually and as successor to the American Tobacco Company, defective for not providing adequate warnings to John Eastman prior to July 1, 1969, which was a legal cause of loss, injury or damage to John Eastman?

Yes _____

No _____

2.b. Were the cigarettes manufactured by Philip Morris USA Inc. or Brown & Williamson Tobacco Corporation, individually and as successor to the American Tobacco Company, defectively designed as a result of a failure to perform as an ordinary consumer would have expected, which was a legal cause of loss, injury or damage to John Eastman?

Yes _____

No _____

2.c. Were the cigarettes manufactured by Philip Morris USA Inc. or Brown & Williamson Tobacco Corporation, individually and as successor to the American Tobacco Company, defectively designed as a result of the risk of danger in their design outweighing the benefits, which was a legal cause of loss, injury or damage to John Eastman?

Yes _____

No _____

If your answers to all of the above are "No", your verdict is for Defendant Philip Morris USA Inc. and Brown & Williamson Tobacco Corporation, individually and as successor to the American Tobacco Company, and you should proceed no further except to sign and date your verdict and return it to the courtroom. If you answered "Yes" to any of the Questions 1.a., 1.b., 2.a., 2.b., or 2.c., please answer all the remaining questions on this Verdict Form.

3. Was there contributory fault on the part of John Eastman, which was a legal cause of his loss, injury or damage?

Yes _____

No _____

If your answer to Question 3 is "No", please place a zero in the line on Question 4 after John Eastman's name.

4. State the percentage of negligence or fault, which was a legal cause of loss, injury or damage to John Eastman that you charge to:

Philip Morris USA Inc. _____%

Brown & Williamson Tobacco Corporation, Individually and as successor to The American Tobacco Company _____%

John Eastman _____%

(Total must be 100%)

5. What is the amount (100%) of any damages sustained by John Eastman for medical expenses in the past?

\$ _____

6. What is the amount (100%) of any damages sustained by John Eastman for pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical defect or loss of capacity for the enjoyment of life in the past and to be sustained in the future?

\$ _____

7. Under the circumstances in this case, state whether punitive damages are warranted against Philip Morris USA Inc.?

Yes _____

No _____

8. Under the circumstances in this case, state whether punitive damages are warranted against Brown & Williamson Tobacco Corporation, individually and as successor to The American Tobacco Company?

Yes _____

No _____

SO SAY WE ALL THIS _____ day of _____, 2003.

Foreperson